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09/295,577	04/22/1999	RICHARD ARTHUR HALAVAIS	4456.P001	7340

8791 7590 11/01/2007  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
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EXAMINER
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GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/295,577

Applicant(s)

HALAVAIS ET AL.

Examiner

Luke Gilligan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7, 16, 17 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 16, 17, and 24-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. In the amendment filed 8/20/07, the following has occurred: claims 1, 24, and 30 have been amended. Now, claims 1-4, 6, 7, 16, 17, and 24-34 are presented for examination.
2. The rejections under 35 U.S.C. 112 are withdrawn by the Examiner based on changes made by Applicant to the claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 6, 24, 26, 27, 29, 30-32 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al, Ticket to Ride (cited in the Office Action mailed 7/26/07).
5. As per claim 1, Anderson teaches a method comprising: a) communicating on demand, from an information server through a wide area network to a device connected to the wide area network information from a database populated by a multiplicity of entries denoting availability for a venue (see page 1, paragraph 3); b) displaying the information including a plurality of available individual seats at the venue such that an end user connected to the wide area network can view the information on a client node unaffiliated with the server, the client node having no dedicated resident ticket vending software that supports selecting a specific individual seat conforming to a need of the end user (see page 1, paragraph 3); c) providing over the wide area network to the end user the capability of interactively selecting the specific individual seat from among the plurality of individual seats displayed (see page 1, paragraph 3); d) receiving from the end user a selection of the specific individual seat (see page 1, paragraph 3); e)

accepting over the wide area network from the end user a payment for the seat (see page 1, paragraph 3, since the article is directed to purchasing tickets online, the Examiner considers the reference to disclose this step); f) returning over the network to the end user verification of the successful completion of the payment (see page 1, paragraph 3, i.e. confirmation of selection).

6. As per claim 4, Anderson discloses the method of claim 1 as described above.

Anderson further discloses the seat sought is for an airplane or airliner (see page 1).

7. As per claim 6, Anderson discloses the method of claim 1 as described above.

Anderson further teaches a communication connection between the information server and the end user includes one of a wire, a cable, and a telephone connection (see page).

8. As per claim 24, Anderson teaches a method comprising: receiving at a server a request for a venue from a web browser executing on a client node remote from the server (see page 1, paragraph 3); transmitting, responsive to the request, from the server an indication of specific availability including a representation of a plurality of specific individual seats available in the venue, the indication of specific availability directed to the client node (see page 1, paragraph 3); receiving at the server a specific indication of a client preference identifying a particular individual seat for purchase from the plurality of specific individual seats available (see page 1, paragraph 3); and removing the client preferences from any future indication of specific availability (see page 1, paragraph 3, since the color-coded map displays which seats are available, the Examiner interprets this teaching to disclose removing the client preference from future indication of availability).

9. As per claim 26, Anderson teaches the method of claim 24 as described above.

Anderson further teaches the indication of specific availability includes a graphical representation of at least a portion of a seating chart for the venue, and wherein the graphical

representation shows available seats in a first representation and previously sold seats in a second representation (see page 1, paragraph 3, i.e. color coded map).

10. As per claim 27, Anderson teaches the method of claim 24 as described above.

Anderson further teaches the indication of specific availability is transmitted as one of an HTML page and a java applet (see page 1, paragraph 3).

11. As per claim 29, Anderson teaches the method of claim 24 as described above.

Anderson further teaches accepting payment information at the server sufficient to permit access to the specific client preference conducting an electronic payment transaction and providing an electronic receipt (see page 1, paragraph 3).

12. Claims 30-32 and 34 recite substantially similar limitations to those already addressed in claims 24, 26, and 28 and, as such, are rejected for similar reasons as given above.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Anderson et al, Ticket to Ride (cited in the Office Action mailed 7/26/07) in view of Business

Wire, ElectroTix Offers New Visual Approach to Selling Tickets On Internet (cited in the Office Action mail 7/26/07, ElectroTix).

15. As per claims 2 and 3, Anderson teaches the method of claim 1 as described above.

Anderson does not explicitly teach the seat sought is for a theater or theater type setting and for

a stadium type setting. ElectroTix teaches an interactive seat map-based system for selling tickets online for theater or theater type setting and for a stadium type setting (see page 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to offer this type of seating through the method disclosed by Anderson. One of ordinary skill in the art would have been motivated to provide this type of seating for the purpose of accommodating user preferences of seating type.

16. Claims 11, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, Ticket to Ride (cited in the Office Action mailed 7/26/07).

17. As per claim 11, 16, and 17, Anderson teaches the method of claim 1 as described above. Anderson does not explicitly teach communication through a satellite link or wireless link. However, the Examiner takes Official Notice that these types of communication connections are old and well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to employ such types of communication connections within the method disclosed by Anderson. One of ordinary skill in the art would have been motivated to utilize such communication connections for the purpose of providing greater flexibility in the types of communication mediums accommodated.

18.. Claims 25, 28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, Ticket to Ride (cited in the Office Action mailed 7/26/07) in view of Helbling et al., U.S. Patent No. 5,797,126.

19. As per claim 25, Anderson teaches the method of claim 24 as described above. Anderson does not explicitly teach retrieving from a database an image showing a view from the seat indicated by the client preference and transmitting the image to the client. Helbling teaches

retrieving from a database an image showing a view from the seat indicated by the client preference (see column 7, lines 54-59); and transmitting the image to the client (see column 7, lines 54-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a feature into the system of Anderson. One of ordinary skill in the art would have been motivated to incorporate such a feature for the purpose of providing additional useful information to the end user when deciding which seat to purchase.

20. Claims 28 and 33 recite substantially similar additional limitations to those already addressed in claim 25 and, as such, are rejection for similar reasons as given above.

#### ***Response to Arguments***

21. Applicant's arguments have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Anderson.

#### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/29/07

  
**C. LUKE GILLIGAN**  
**PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 3600**